

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Linda S. Welch

Respondent

Civil Citation No. 55237

456 Stemmers Run Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on April 7, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-4-201, 35-5-302; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D, failure to properly store trash in cans with tight fitting lids, failure to cease the use of the property as an open dump on residential property zoned DR 10.5 known as 456 Stemmers Run Road, 21221.

On March 15, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,200.00 (one thousand two hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on January 28, 2010 for removal of open dump/junk yard, remove animal feces daily, store garbage in cans with tight lids. This Citation was issued on March 15, 2010.

B. Photographs in the file show discarded furniture piled in the back yard of this residence, including bookshelves and a rolled carpet. Photographs show junk and bagged trash or household items, including an old tire. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. Several photographs show garbage cans with no lids. All garbage must be properly stored in cans with tight lids. Re-inspection on April 6, 2010 found no improvement.

C. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below. If the violations are not corrected, the full civil penalty will be imposed, and the County will be authorized to enter the property to remove junk, trash and debris, at the property owner's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by May 4, 2010.

IT IS FURTHER ORDERED that after May 4, 2010, if the violations have not been corrected the County may enter the property for the purpose of removing all junk, trash and debris, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 16th day of April 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer